

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SAMUEL WYNN,

Plaintiff,

v.

B. MOSS, et al.,

Defendants.

No. 2:21-CV-1317-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Pending before the Court are the parties' motions relating to discovery as follows:

ECF No. 34 Plaintiff's motion for an extension of time to serve responses to Defendants' discovery request(s).

ECF No. 35 Defendants' motion to compel.

ECF No. 36 Plaintiff's motion for Defendant Moss to respond to discovery.

ECF No. 38 Defendants' motion for clarification.

In ECF No. 34, Plaintiff seeks additional time to respond to discovery propounded by Defendants. Before the Court could rule on Plaintiff's request, Defendants filed their motion at ECF No. 35 for an order to compel responses to their outstanding discovery requests. Good cause appearing therefor based on Plaintiff's declaration indicating the need for additional time to respond due to limited law library access, the Court will grant Plaintiff an extension of time to

1 respond to Defendants' discovery. Given this extension, Defendants' motion to compel, ECF No.
2 35, will be denied as premature and without prejudice to renewal should Plaintiff not serve
3 responses within the time permitted herein.

4 Plaintiff's motion at ECF No. 36 is styled as a request for discovery to Defendants.
5 As discovery requests are not filed outside the context of a failure to adequately respond,
6 Plaintiff's motion will be disregarded.

7 Finally, before the Court is Defendants' motion, ECF No. 38, for clarification of
8 the Court's April 27, 2023, order vacating the current dispositive motion deadline. Good cause
9 appearing therefor, and in light of the resolution of various motions addressed herein, Defendants'
10 motion is granted insofar as the Court will re-set the deadline for completion of all discovery and
11 filing of dispositive motions.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. Plaintiff's motion for an extension of time to respond to discovery, ECF
14 No. 34, is granted.
- 15 2. Plaintiff shall serve responses to any and all outstanding discovery requests
16 within 30 days of the date of this order.
- 17 3. Defendants' motion to compel, ECF No. 35, is denied.
- 18 4. Plaintiff's motion, ECF No. 36, is disregarded.
- 19 5. Defendants' motion for clarification, ECF No. 38, is granted.
- 20 6. Consistent with the provisions of the Court's June 23, 2022, scheduling
21 order, the discovery cut-off date is extended to September 1, 2023.
- 22 7. Dispositive motions are due within 90 days of the discovery cut-off date
23 specified above.
- 24 8. The Clerk of the Court is directed to terminate ECF Nos. 34, 35, 36, and 38
25 as pending motions.

26 Dated: June 5, 2023

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28 DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE